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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

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9 UNITED STATES OF AMERICA,

10 Case No. 2:13-cr-00148-JAD-GWF

11 Plaintiff,

12 v.  
13 STIPULATION TO CONTINUE  
14 ALEXIS TORRES SIMON, and  
15 ALEXANDER DEL VALLE GARCIA  
16 Defendants.

(Fourth Request)

JULIO DE ARMAS DIAZ,

ALEXIS TORRES SIMON, and

ALEXANDER DEL VALLE GARCIA

IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. BOGDEN,

United States Attorney, and CHRISTINA M. BROWN and DANIEL R. SCHIESS, Assistant United

States Attorneys, counsel for the United States of America, and Defendant Alexander Del Valle

Garcia, by and through KATHLEEN BLISS, Esq.; Defendant Alexis Torres Simon, by and through

OSVALDO FUMO, Esq.; and Defendant Julio de Armas Diaz, by and through Assistant Federal

Public Defender, BRENDA WEKSLER, Esq., that the sentencing hearing presently scheduled for

December 16, 2014, be continued and reset to a date and time to be determined by the court, but in no

event earlier than January 6, 2015.

The Stipulation is entered into based on the following:

1. The parties have agreed to file a stipulation to continue sentencing because on

1                   December 9, 2014 the U.S. Office of Probation filed a Second Revised PSR in  
2                   response to Defendants' objections to the First Revised PSR, which contained changes  
3                   impacting Probation's sentencing guideline calculations;  
4                   2. The parties require sufficient time to prepare and file objections to the Second Revised  
5                   PSR and Sentencing Memorandums for the Court's consideration at sentencing;  
6                   3. The Government and the Defendants agree to a sentencing continuance;  
7                   4. The Defendants are in custody and have no objections to the continuance sought;  
8                   5. This is the fourth request for continuance of sentencing in this case;  
9                   6. Denial of this request for a continuance could result in a miscarriage of justice, and the  
10                  ends of justice would best be served by a continuance; and  
11                  7. The additional time requested by this stipulation is excludable in computing the time  
12                  within which the trial herein must commence pursuant to the Speedy Trial Act, 18  
13                  U.S.C. § 3161 (h) (7) (A) and the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (ii).

14                  Taking into account the public interest in the prompt disposition of criminal cases, good cause  
15 exists for the Court to grant this continuance.

16                  DATED this 10<sup>th</sup> day of December, 2014.

17                  DANIEL G. BOGDEN  
18                  United States Attorney

19                  \_\_\_\_\_  
20                  /s/*Christina M. Brown*  
21                  CHRISTINA M. BROWN  
22                  Assistant U.S. Attorney  
23                  Attorney for Plaintiff

19                  \_\_\_\_\_  
20                  /s/*Osvaldo Fumo*  
21                  OSVALDO FUMO, ESQ.  
22                  Attorney for Defendant  
23                  Alexis Torres Simon

22                  \_\_\_\_\_  
23                  /s/*Kathleen Bliss*  
24                  KATHLEEN BLISS, ESQ.  
25                  Attorney for Defendant  
26                  Alexander Del Valle Garcia

22                  \_\_\_\_\_  
23                  /s/*Brenda Weksler*  
24                  BRENDA WEKSLER, ESQ.  
25                  Attorney for Defendant  
26                  Julio De Armas Diaz

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2                   **UNITED STATES DISTRICT COURT**  
3                   **DISTRICT OF NEVADA**

4                   **-oOo-**

5                   UNITED STATES OF AMERICA,

Case No. 2:13-cr-00148-JAD-GWF

6                   Plaintiff,

ORDER TO CONTINUE SENTENCING  
7                   v.  
DATE

8                   JULIO DE ARMAS DIAZ,  
9                   ALEXIS TORRES SIMON, and  
10                  ALEXANDER DEL VALLE GARCIA

Defendants.

11  
12                  Before the Court is an agreed-upon request to continue the sentencing proceeding presently  
13                  scheduled for December 16, 2014. The Court shall grant the motion based upon the following:

- 14                  1. The Office of Probation, on December 9, 2014, submitted Second Revised PSRs in  
15                  response to Defendants' objections to the First Revised PSR, which contained changes  
16                  impacting the sentencing guideline calculations;  
17                  2. The parties require additional time to file objections to the Second Revised PSRs and  
18                  Sentencing Memorandums for the Court's consideration at sentencing;  
19                  3. The Government and Defendants agree to a sentencing continuance;  
20                  4. The Defendants are in custody and have no objections to the continuance sought;  
21                  5. This is the fourth request for continuance of sentencing in this case;  
22                  6. Denial of this request for continuance could result in a miscarriage of justice. The ends of  
23                  justice would best be served by a continuance; and  
24                  7. The additional time requested by this stipulation is excludable in computing the time  
25                  within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.  
26                  § 3161 (h) (7) (A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (ii) and

1 taking into account the public interest in the prompt disposition of criminal cases good  
2 cause exists for the Court to grant this continuance.

3 **CONCLUSIONS OF LAW**

4 The ends of justice are served by granting a continuance of the sentencing date herein since  
5 the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny  
6 the parties herein sufficient time and opportunity within which to effectively and thoroughly prepare  
7 for sentencing, taking into the account the exercise of due diligence.

8 **ORDER**

9 Based on the Stipulation of counsel, and good cause appearing therefore, the Court hereby  
10 finds;

11 THAT the Sentence Hearing currently scheduled for December 16, 2013 be vacated and reset  
12 for Tuesday, January 13, 2015 at 9:00 a.m. for Julio De Armas Diaz; 10:00 a.m. for Alexis  
13 Torres Simon and 11:00 a.m. for Alexander Del Valle Garcia

14 Dated this 11th day of December, 2014.  
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16   
17 HONORABLE JENNIFER A. DORSEY  
United States District Court Judge

1                   **CERTIFICATE OF ELECTRONIC SERVICE**

2                   The foregoing was served on counsel of record by ECF this the 10<sup>th</sup> day of December, 2014.

3                   */s Christina M. Brown*  
4                   Assistant United States Attorney  
5                   District of Nevada

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